

Application No.: 09/913,833

Docket No.: 21499-00050-US

REMARKS

In response to the Election Requirement mailed August 11, 2003, Applicant hereby elects Species I, corresponding to claims 2-10 and 12-16, with traverse. Claims 1, 11, and 17 are generic.

The Examiner states that this application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species I including a pre-filled container as shown, for example, in Fig. 1;

Species II including a container with a filling cartridge as shown in Fig. 12;

After the election of a species as referred to above, applicant was further required to elect a sub-species as follows:

Sub-species I including a second container having photoluminescence, fiber optics or chemiluminescence as shown in Figs. 15-17, 18, and 19: claims 7-10.

Sub-species II including a second container having sequential means as shown in Fig. 21: claim 16.

Applicant has submitted amended claim 1-22 including amendments to bring the claims in closer conformity with U.S. practice. The amendments to claims 1-22 do not affect the restriction requirement.

Applicant specifically traverses the Examiner's requirement for Applicant to elect between the subspecies. According to the Examiner's requirement, Applicant must elect claims between subspecies I, addressed to claims 7-10, or subspecies II, addressed to claim 16. Applicant assumes that this election is only required if Species I is elected. By this requirement, the Examiner has not provided Applicant an opportunity to pursue claims 2-6 or 12-15. This is improper because Applicant ultimately has the option to elect the invention they wish to pursue.

Therefore, Applicant elects Sub-species I and assert that claims 2-6 and 12-15 should also be examined. The Examiner should therefore examine claims 1-15 and 17.

Applicant reserves the right to pursue claims 16 and 18-22 in a divisional application.

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Applicant hereby authorizes a charge to our Deposit Account No. 22-0185, under Order No. 21499-00050-US from which the undersigned is authorized to draw, for a one-month extension of time.

Dated: October 14, 2003

Respectfully submitted,

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